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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

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CHANKONG, DOHM

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 09/891,264 | Applicant(s) GYS, LUDO | |
| | Examiner DOHM CHANKONG | Art Unit 2452 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's arguments filed on 5/5/2009. Claims 8, 10, and 11 are amended. Claims 21-26 are added. Accordingly, claims 1-26 are presented for further examination.
2. This action is a final rejection.

Response to Arguments

3. As to the § 101 rejection of claims 8, 10, and 11, Applicant amends those claims to recite that the program code is "on a computer readable medium." Applicant's specification provides no description for how to interpret "computer readable medium." The term is therefore given its broadest reasonable interpretation consistent with the specification.

Interpreted broadly, a computer-readable medium may include both statutory embodiments such as a disk or storage memory (as noted by Applicant) and non-statutory embodiments such as carrier waves or signals. Since Applicant's specification does not preclude interpreting the term as a carrier wave or signal, the amendment is insufficient to overcome the § 101 rejection.

As to claim 8, Applicant also argues that the execution means includes a processor. However, claim 8 is directed to components of a service computer module and not the service computer (which houses the processor). And according to Applicant's specification, "the service computer SSC contains service computer module SCM, containing in the present embodiment a so-called virtual machine, *which is a software "execution engine" that safely and compatibly*

Art Unit: 2452

after stringent security checks executes the byte codes of the service containers” (emphasis added) [20020003868, 0019].

As claim 8 invokes § 112, sixth paragraph, the claimed means is interpreted according to the corresponding structure described in the specification. *See* MPEP § 2181(II). The described execution engine is therefore interpreted as the claimed "execution means" of the software computer module. Given this interpretation, the execution means is simply a “software ‘execution engine’.”

As to claims 10 and 11, Applicant repeats similar arguments made for claim 8. Additionally, those claims are directed a software module and container that are *capable* of being executed by a separate service server or computer. Thus, Applicant’s arguments are unpersuasive for two reasons. First, the software code is not being stored or even executed on any hardware but are merely capable of being executed by the hardware. And second, the service server and computer are not being claimed as part of the module.

For the foregoing reasons, Applicant’s amendment does not overcome the § 101 rejection and Applicant's arguments are not persuasive. The § 101 rejection set forth in the previous action is therefore maintained.

4. As to the § 103 rejections, Applicant argues that Yates fails to disclose providing a service machine to the terminal domain. Specifically, Applicant asserts that Yates does not teach a terminal domain receiving a software agent encapsulated in a container. Applicant notes that the rejection relied on Beck to modify Yates's system to include this limitation.

To summarize the examiner’s position, Yates’s modules are interpreted as a first service

Art Unit: 2452

container [column 15 «lines 17-23» where Yates' modules is analogous to the service container and the code of the module and the SIBBs are analogous to a service machine | see also BPAI's decision on reconsideration, pg. 5, ¶1 | see also the Examiner's answer, 3/8/2006, pg. 15, ¶¶2-3]. These modules contain code which are interpreted as the claimed service machine [column 2 «lines 60-65» | column 3 «lines 5-15 and 21-23» | column 29 «line 63» to column 30 «line 9» | see also Examiner's answer, pg. 14, ¶3].

Yates however failed to expressly disclose transmitting these modules from a server to the terminal. However, as acknowledged by Applicant, one of ordinary skill in the art would see "Yates teaching that a terminal domain could retrieve software modules from another domain" [Remarks, pg. 13, ¶3]. The rejection further relied on Beck to teach illustrate this point and to teach the use of a server as a element where a terminal could retrieve those modules.

Applicant further argues that Yates' SIBBs cannot be interpreted as machines.

Applicant's sole basis for this argument is "the simple name of the SIBB which requires that it be service independent." Applicant not surprisingly ignores Yates' description of its own features. For Applicant's convenience, Yates' description of SIBBs is set forth below:

"There are one or more service independent building blocks (SiBBs) *that are responsible for the service management and service provision*. SIBBs are units of both information and functionality *that provide the services to other agents or users*. A SIBB may use various low-level resources to deliver its service unit. It is the capability of embodiments of the present invention for flexible addition of SIBBs to an agent that contributes significantly to the extendibility, manageability and scalability of the information services infrastructure. SIBBs may be atomic or more usually compounded from sets of atomic SIBBs. *For example in an AA the compound SIBB called Accounter, which gives subscribers an account enquiry, includes the atomic SIBBs data_locate, data_read*. It is by the construction of SIBBs from atomic SIBBs that embodiments of the present invention achieve in part the reusability of the information services infrastructure." (emphasis added) [column 18, lines 37-54»].

Yates' confusing terminology aside, it seems clear from the above description that SIBBs provide services. If Applicant persists in this argument, Applicant should cite sections in Yates' specification that support such a position.

Applicant further argues that Yates does not teach providing a network lock which offers a predefined interface as claimed. However, as detailed in previous rejections, Yates does disclose that his terminal domain provides a network lock as claimed [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' interfaces are comparable in functionality to the network lock and Yates' terminal domain is analogous to the service computer]. Yates discloses a distributed processing environment (DPE) that provides a common language for exporting interfaces for different objects. The DPE is located at the terminal domain [Fig. 1 «items 101, 105»].

With respect to claims 2 and 3, Applicant mischaracterizes the claim mapping. Yates' software modules which contain the SiBBs are compared to Applicant's claimed service container. Yates further discloses that objects may transmit notifications to other objects [column 9 «lines 1-7»] where notifications are well known as tools to inform other computers of a condition of the transmitting computer [column 10 «line 67» to column 11 «line 4»: significant events]. Yates also discloses that modules, including SIBBs, are types of objects [column 5 «lines 40-42»]. Beck discloses a server receiving messages. Thus, Yates as modified by Beck discloses a container that transmit notifications (alarms) as claimed.

For the foregoing reasons, Applicant's arguments with respect to claims 1-20 are not persuasive. The rejection as set forth in the previous action is therefore maintained. New claims 21-26 are addressed below.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 8, 10, 11, 14, 16, 17, and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims directed to software *per se* are rejected under §101 because software *per se* is neither a process, machine, manufacture, or composition of matter. To qualify as a machine, at least one element within a claim must be a physical part of a device. For example, a system claim that comprises nothing but software modules would be software *per se*. But if the system were amended to include for example, a monitor to display an interface as well as the modules, the system would clearly be a machine as it contains a physical element.

Here, both claims 8 and 10 are directed to service modules. Claim 8's module comprises program code, receiving means, network lock means, and execution means. Claim 10's module comprises program code, receiving means, provision means, and transmission means.

Applicant's specification is silent as to whether these modules are implemented as hardware elements (and hence would be considered a machine) or as purely software components.

Therefore, the term is given its broadest reasonable interpretation consistent with the specification. The specification describes receiving means and the execution means as software [US Patent Publication 20020003868, 0019 – software “execution engine”, 0027 – ORB binding software]. Further, it was well known in the art that modules are may be implemented as purely software programs or as hardware elements. See *Microsoft Computer Dictionary, Fifth Edition*,

Art Unit: 2452

pg. 346. Because the claimed service modules may reasonably be interpreted as software *per se*, claims 8 and 10 and their dependent claims are directed towards non-statutory subject matter.

Claim 11 is directed towards a first service container. These containers are clearly software only applications [*US Patent Publication 20020003868*, 0019 - containers are transmitted over a network from the server to the client]. Therefore, claim 11 and its dependent claims are directed to software *per se* as well and fails to fall within a statutory category.

As described in the response to arguments, the addition of a "computer readable medium" does not overcome this rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yates et al, U.S Patent No. 6.330.586 ["Yates"], in view of Beck et al, U.S Patent No. 6.604.140 ["Beck"].

7. As to claim 1, Yates discloses a method for providing personal services for a communication means of a user, said communication means being connected to a communication network, the method comprising the steps of:

Art Unit: 2452

execution by said service computer of said service machine, said service machine managing the execution of a personal service for said communication means [column 2 «lines 60-65» | column 3 «lines 5-15 and 21-23» | column 29 «line 63» to column 30 «line 9» where: Yates' module are analogous to the service container, the module's code and SIBBs are analogous to a service machine];

provision by said service computer of at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for the provision of said personal service [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' interfaces are comparable in functionality to the network lock and Yates' terminal domain is analogous to the service computer]; and

provision of said personal service to said communication means via said communication network by execution or by application by said service machine of at least one service component being transmitted to said service computer via said first service container or via a second service container [abstract | column 4 «lines 41-55» | column 15 «lines 20-23» | column 17 «lines 33-48» | column 23 «lines 29-41» | column 26 «lines 60-63» | claim 1 where: execution of code in the software module provides the personal service to the terminal in Yates' system] .

Yates does disclose a first service container encapsulating a service machine available to a service computer [abstract | column 2 «line 66» to column 3 «line 15» | column 15 «lines 17-23» where Yates' modules is analogous to the service container and the code of the module and the SIBBs are analogous to a service machine | see also BPAI's decision on reconsideration, pg. 5, ¶1], but does not specifically disclose transmission of the container by a

Art Unit: 2452

service server. However, such a feature was well known in the art at the time of Applicant's invention. For example, Beck discloses a method for providing personal services including transmission by a service server of a first service container to a service computer [abstract | column 1 «lines 65-67» | column 2 «lines 1-3 and 16-20» | column 6 «lines 13-24» | column 7 «lines 26-44» | claim 66 where: Beck's service code is analogous to a service container]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

8. As to claim 2, Yates discloses the method as claimed in claim 1, further comprising the step of: the service computer providing at least one monitor lock for said first service container, and said first service container informing the service server via said monitor lock of a condition of the service computer [column 9 «lines 1-7» | column 15 «lines 8-12» where: Yates discloses notifications are transmitted between objects, one object being the service server, another representing the service computer].

9. As to claim 3, Yates discloses the method as claimed in claim 1, further comprising the steps of: the service computer providing at least one management lock for said first service container, and said first service container sends alarms via said management lock to an operator terminal or a network management system [column 10 «line 64» to column 11 «line 4»].

10. As to claim 4, Yates discloses the method as claimed in claim 1, characterized in that said terminal sends a request for said service to the service server [column 25 «lines 41-61»].

11. As to claim 5, Yates discloses the method as claimed in claim 1, characterized in that it is carried out in an Intelligent Network representing said communication network [column 8 «lines 30-39»].

12. As to claim 6, Yates discloses the method as claimed in claim 1, characterized in that the service container provides the resource lock for said first service container, said resource lock offering to said first service container an application program interface and/or an interface towards a special resource point and/or an interface towards a service program interface [column 3 «lines 37-59» | column 9 «lines 1-7»].

13. As to claim 7, Yates discloses a service computer for providing personal services for a communication means of a user, said communication means being connected to a communication network, said service computer comprising:

network lock means designed such that the service computer can provide at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for provision of a personal service for said communication means [column 6 «lines 38-45» | column 9 «lines 1-7» |

Art Unit: 2452

column 10 «lines 1-16» where: Yates' terminal domain system is comparable in functionality to the service computer]; and

execution means designed such that the service computer can execute said service machine, said service machine managing the provision of said personal service for said communication means and said service machine executing or applying at least one service component for provision of said personal service, said service component being transmitted to said service computer via said first service container or via a second service container [abstract | column 2 «lines 60-65» | column 3 «lines 5-15 and 21-23» | column 4 «lines 41-55» | column 15 «lines 33-40» | column 26 «lines 60-63» | column 29 «line 63» to column 30 «line 9» | claim 1].

Yates does disclose a receiving means for the service computer [column 26 «lines 60-63»] but does not specifically disclose said receiving means for receiving of a first service container encapsulating a service machine from a service server. However, such a feature was well known in the art at the time of Applicant's invention. For example, Beck discloses a service computer comprising a receiving means for receiving of a first service container containing a service machine from a service server [abstract | column 1 «lines 65-67» | column 2 «lines 1-3 and 16-20» | column 6 «lines 13-24» | column 7 «lines 26-44» | claim 1 where: Beck's service code is analogous to a service container, Beck's first device is analogous to a service computer, and second device is analogous to a service server]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such

Art Unit: 2452

an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

14. As to claim 8, Yates discloses a service computer module for a service computer for providing personal services for a communication means of a user, said communication means being connected to a communication network, said service computer module comprising:

program code able on a computer readable medium to be executed by a control means of the service computer [column 2 «lines 57-65»];

network lock means by which the service computer can provide at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for provision of a personal service for said communication means [column 3 «lines 37-59» | column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

execution means by which the service computer can execute said service machine, said service machine managing the provision of said personal service for said communication means and said service machine executing or applying at least one service component for provision of said personal service, said service component being transmitted to said service computer via said first service container or via a second service container [column 2 «lines 57-65» | column 3 «lines 5-15 and 55-59» | column 26 «lines 60-67» | claims 1 and 2].

Yates does disclose a service module and a service container encapsulating a service machine but does not specifically disclose receiving of a first service container from a service server. However, such a feature was well known in the art at the time of Applicant's invention.

Art Unit: 2452

For example, Beck discloses a service module comprising receiving means for receiving of a first service container containing a service machine from a service server [claims 1 and 66 where: Beck's service code is analogous to a service container]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

15. As to claim 9, Yates discloses a service server for providing personal services for a communication means of a user, said communication means being connected to a communication network, said service server comprising:

receiving means for receiving a request for a personal service for said communication means [column 25 «lines 38-51»];

provision means for providing at least one first service container [column 26 «lines 60-63» | column 27 «lines 12-31»], encapsulating a service machine able to manage the execution of said personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by a service computer, said service component being contained in said first service container or in a second service container [Figure 4 «the items located inside the coordinator analogous to service components» | column 5 «lines 21-55» | column 17 «lines 13-20»], said at least one first service container being adapted to make use of at least one network lock provided by said service

Art Unit: 2452

computer and offering to said at least one first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

Yates does disclose a service server comprising transmission means for transmission of a service to said service computer [column 26 «lines 60-63»] but does not specifically disclose transmitting a service container. However, such a feature was well known in the art at the time of Applicant's invention. For example, Beck discloses a transmitting a service container to a service computer [Figure 1 «item 102» | column 3 «lines 38-47» | claim 1]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

16. As to claim 10, Yates discloses a service server module for a service server for providing personal services for a communication means of a user, said communication means being connected to a communication network, said service server module comprising:

program code on a computer readable medium and able to be executed by a control means of the service server;

receiving means for receiving a request for a personal service for said communication means;

Art Unit: 2452

provision means for providing at least one first service container, encapsulating a service machine able to manage the execution of said personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by a service computer, said service component being encapsulated in said first service container or in a second service container [Figure 4 «the items located inside the coordinator analogous to service components» | column 5 «lines 21-55» | column 17 «lines 13-20»], and said at least one first service container being adapted to make use of at least one network lock provided by said service computer and offering to said at least one first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»].

Yates does disclose a service server module comprising transmission means for transmission of a service to said service computer [column 4 «lines 14-35» | column 26 «lines 60-63»] but does not specifically disclose transmission of a service container to the service computer. However, such a feature was well known in the art at the time of Applicant's invention. For example, Beck discloses a service module for transmitting a service container to a service computer [Figure 1 «item 102» | column 3 «lines 38-47» | claims 1 and 66]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

Art Unit: 2452

17. As to claim 11, Yates discloses a first service container for providing personal services for a communication means of a user, said communication means, being connected to a communication network,

said first service container residing on a computer readable medium and encapsulating program code able to be executed by a control means of a service container [column 2 «lines 57-65»];

said first service container encapsulating a service machine able to manage the execution of a personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by said service computer, said service component being contained in said first service container or in a second service container [abstract | column 4 «lines 41-55» | column 15 «lines 33-40» | column 26 «lines 60-63» | claim 1]; and

said first service container being adapted to make use of at least one network lock provided by said service computer and offering to said first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' interfaces are comparable in functionality to the network lock and Yates' terminal domain is analogous to the service computer].

18. As to claims 12-17, Yates discloses said service computer is capable of providing any one or more of several different network locks, with the particular network lock being provided being dependent on at least one of said communication network and said communication means

Art Unit: 2452

[column 3 «lines 55-63» | column 24 «line 56» to column 25 «line 16» where : Yates discloses adaptors that adjust the interfaces based on the protocols of the communication means].

19. As to claims 18-20, Yates discloses said service computer further provides to said service container a monitor lock by which said service container informs said service server of at least one condition of said service computer [column 19 «lines 49-57» | column 22 «lines 23-25» : transmitting to the server the user's service usage history | column 24 «lines 14-17»]. Note that the claimed monitor lock and condition are interpreted consistent with Applicant's specification [*US Patent Publication 2002000386*, 0035 describing that a condition relates to the usage of the service computer during the service session].

20. As to claim 21, Yates discloses wherein said at least one service component is transmitted to said service computer via said first service container [column 17 «lines 33-48»: policies, which are interpreted as the claimed component, may be embedded in an object which are transmitted as part of the object].

21. As to claim 22, Yates discloses said at least one service component comprises a component executed by said service machine to provide a message box service [column 27 «lines 60-65»: email service is a type of "message box" service].

Art Unit: 2452

22. As to claim 24, Yates discloses said at least one service component comprises user information to be transmitted by the respective service machine to a terminal of said user for display [column 20 «lines 6-12»].

23. As to claim 25, Yates discloses said at least one service component comprises an application program to be executed by said service machine or a terminal of said user [column 10 «lines 30-31»: executing objects].

24. As to claim 26, Yates discloses said at least one service component comprises sound or video files to be reproduced by said service machine or terminal of said user [column 3 «lines 5-10»: video-on-demand service | column 24 «lines 39-44»: video-on-demand title].

25. Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yates and Beck, in further view of Kato, U.S. Patent Publication No. 2002|0094066.

26. As to claim 23, Yates and Beck do not disclose at least one service component executed to provide a voice recognition service. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by Kato. Like Yates and Beck, Kato discloses a terminal domain that downloads service containers to a terminal domain [0009]. Unlike Yates and Beck, Kato focuses on the specific service of providing speech recognition to terminal devices and therefore discloses a transmitting a service component to a service computer where

Art Unit: 2452

the component is executed to provide a voice recognition service [0009: downloading the speech recognition software module to the terminal].

It would have been obvious to one of ordinary skill in the art to have modified Yates to include Kato's speech recognition component. Such a modification to Yates' system is an example of using a known technique (Kato's downloading of the speech module to a terminal) to improve similar systems (Yates downloading of modules to a terminal) in the same way (Yates' system improved to include speech recognition capability). *See* MPEP § 2143.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

Art Unit: 2452

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Dohm Chankong/
Primary Examiner, Art Unit 2452